

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION

JAMES BUSH

PLAINTIFFS

VS.

CIVIL ACTION NO. 4:11cv87-A-V

DELTA REGIONAL MEDICAL CENTER

DEFENDANT

**ORDER**

This matter is before the court on motion of the plaintiff to compel discovery (# 30). The court has examined the plaintiffs' motion. However, because plaintiff did not follow the local rule, the court is unable to consider the present motion. Local Rule 37(a) provides, among other things, that "[b]efore service of a discovery motion, counsel must confer in good faith to determine to what extent the issue in question can be resolved without court intervention." Plaintiff shall then file along with its motion a Good Faith Certificate bearing the signature or endorsement of "all counsel." Because the certificate must be signed by all counsel, the procedure often alerts the allegedly derelict party that this is a matter of some seriousness. It also demands that the parties confer with more than simply a letter and nothing else. Additionally, the Uniform Local Rule 37(b) requires movant to quote verbatim each discovery request to which the motion is addressed or state the objections, grounds and reasons in immediate succession to the quoted discovery request. The plaintiff's motion fails to meet the requirements of Local Rule 37(b).

The court would note that denial of the present motion is in no way intended as a position on the merits of the motion. Should plaintiff attempt to confer in good faith and receive what it

believes unsatisfactory responses, and if the federal and local rules are followed, the court will consider the matter at that time. However, unnecessary motions or requests for court intervention could result in sanctions. The parties are encouraged to proceed with civility and legitimate use of court intervention.

IT IS THEREFORE ORDERED that the plaintiffs' motion to compel discovery responses (# 30) is hereby DENIED.

SO ORDERED, this the 16<sup>th</sup> day of March 2012.

/s/ Jane M. Virden  
UNITED STATES MAGISTRATE JUDGE